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In re Application of BOWMAN
U.S. Application No.: 09/830,878
Int. Application No.: PCT/US99/17177
Int. Filing Date: 29 July 1999
Priority Date: 31 July 1998
Attorney Docket No.: N1121-037
For: TRIMERIC AND POLYMERIC ALKALOIDS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b)" filed 02 May 2001.

BACKGROUND

On 29 July 1999, applicant filed international application PCT/US99/17177, which claimed priority of an earlier United States application filed 31 July 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 15 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 31 January 2001.

International application PCT/US99/17177 became abandoned as to the United States at midnight on 31 January 2001 for failure to pay the basic national fee.

On 02 May 2001, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing the reply from the due date for the reply until the filing of a grantable petition was unintentional."

DISCUSSION

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the requisite basic national fee.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The entire delay in filing the reply from the due date for the reply until the filing of a grantable petition was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

Therefore, applicant has satisfied all the requirements for a petition under 37 CFR 1.137(b).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the appropriate late filing surcharge must be submitted.

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